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OGC has Reviewed

TO : Comptroller

2 October 1951

FROM : General Counsel

SUBJECT: Separation Allowance - [REDACTED]

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1. In your memorandum of 20 August 1951, you inquire as to [REDACTED] entitlement to a separation allowance in view of his marital status.

2. Authority to approve such an allowance is vested in the Personnel Director who has complete discretion in granting them in any one case. Legally any employee stationed overseas and living apart from his wife may be granted a separation allowance, but as the entitlement is not automatic but is discretionary, the Personnel Director may make a determination on the facts of each case. Thus there would be no legal objection if Personnel grants the allowance on the grounds that the employee is stationed abroad but his wife lived in this country. The reasons therefor are not normally a matter for legal review. In any case, a wife is always entitled legally to be supported by her husband.

3. If, however, on other considerations the Personnel Director determines not to grant the allowance, again there is no point for legal review as the employee is bound by that determination. Refusal to grant may be based on such facts as the maintenance by the [REDACTED] of two separate establishments prior to his transfer overseas so that no additional element of expense would be incurred by his duty with CIA.

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4. If the allowance is granted, there is no requirement for Finance to have a certification that the [REDACTED] were reconciled. Of course Mr. [REDACTED] post must qualify under the wording of Section 7.1 of the Standardized Allowance Regulations.

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LAWRENCE R. HOUSTON

Encl: Memo to Comptroller fr Finance
dtd 9 Aug 51, re subject;
Memo to Finance fr Personnel (C)
dtd 13 July 51, re subject;
Memo to Mr. [REDACTED]
dtd 8 June 51, re subject

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Distribution: Original - Addressee
1 - Chief, Personnel (C)
4 - OGC

OGC/LRH:mls

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ORIGINAL DOCUMENT MISSING PAGE(S):

ENCLOSURE